

UNITED STATES PATENT AND TRADEMARK OFFICE

---

BEFORE THE BOARD OF PATENT APPEALS  
AND INTERFERENCE

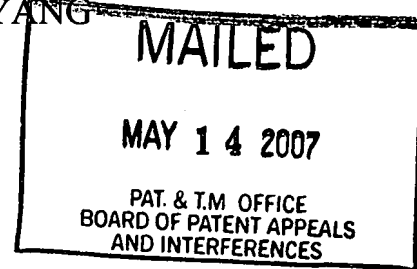
---

Ex parte DMITRY LUOMIRSKY and MICHAEL X. YANG

---

Application 10/781,040

---



ORDER RETURNING UNDOCKETED APPEAL TO EXAMINER

---

This application was electronically received at the Board of Patent Appeals and Interferences (BPAI) on April 2, 2007. A review of the application has revealed that the application is not ready for docketing as an appeal. Accordingly, the application is herewith being returned to the Examiner. The matter requiring attention prior to docketing is identified below.

A Reply Brief was received in the office on December 21, 2006, in response to the Examiner's Answer mailed October 16, 2006. However, in accordance with the revision effective September 13, 2004, 37 CFR § 41.43 states:

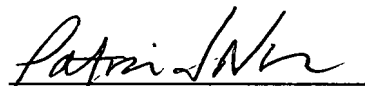
Application 10/781,040

(1) After receipt of a reply brief in compliance with § 41.41, the primary examiner must acknowledge receipt and entry of the reply brief. In addition, the primary examiner may withdraw the final rejection and reopen prosecution or may furnish a supplemental examiner's answer responding to any new issue raised in the reply brief.

It is noted there is a PALM entry that said Reply Brief was noted byu the Examiner on February 20, 2007, however no paper indicating said consideration is currently in the IFW file. Accordingly, it is ORDERED that the application is returned to the Examiner:

- 1) for consideration of the Reply Brief filed on December 21, 2006; and
- 2) for such further action as may be deemed appropriate.

BOARD OF PATENT APPEALS  
AND INTERFERENCES



PATRICK J. NOLAN  
Deputy Chief Appeals Administrator  
(571)272-9797

PJN/pgc

Application 10/781,040

cc: Patterson & Sheridan, LLP  
3040 Post Oak Boulevard  
Suite 1500  
Houston, TX 77056